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11

106TH CONGRESS  
1ST SESSION

## S. 1335

Entitled the "Military Retiree Health Care Act of 1999".

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IN THE SENATE OF THE UNITED STATES

JULY 1, 1999

Mr. ASHCROFT introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

Entitled the "Military Retiree Health Care Act of 1999".

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AUTHORITY TO EXPAND AND EXTEND MEDI-**  
4 **CARE SUBVENTION DEMONSTRATION**  
5 **PROJECT FOR MILITARY RETIREES; INFOR-**  
6 **MATION REGARDING MEDICARE+CHOICE**  
7 **AND MEDIGAP PROTECTIONS.**

8 (a) IN GENERAL.—Section 1896 of the Social Secu-  
9 rity Act (42 U.S.C. 1395ggg) is amended by adding at  
10 the end the following:

11 " (1) AUTHORITY TO EXPAND AND EXTEND DEM-  
12 ONSTRATION PROJECT.—

1           “(1) IN GENERAL.—Subject to paragraphs (2)  
2           and (3), the administering Secretaries may expand  
3           and extend the demonstration project if such Secre-  
4           taries determine that—

5                   “(A) the expansion and extension of the  
6           project would be beneficial to medicare-eligible  
7           military retirees and dependents; and

8                   “(B) the requirements with respect to the  
9           project are being met on the date of the deter-  
10          mination and will continue to be met if the  
11          project is expanded and extended pursuant to  
12          this subsection.

13          “(2) TIME FOR DETERMINATION.—The deter-  
14          mination regarding the expansion and extension of  
15          the demonstration project pursuant to paragraph (1)  
16          shall be made between July 1, 1999, and January  
17          1, 2000.

18          “(3) APPLICABLE RULES FOR EXPANSION AND  
19          EXTENSION.—If the administering Secretaries deter-  
20          mine pursuant to paragraph (1) to expand and ex-  
21          tend the demonstration project, the following rules  
22          shall apply to such expansion and extension:

23                   “(A) EXPANSION OF SITES.—The number  
24          of demonstration project sites may be expanded  
25          by the administering Secretaries from no more

1 than 6 sites (pursuant to subsection (b)(2)) to  
2 no more than 15 sites, with such additional  
3 sites to be designated jointly by the admin-  
4 istering Secretaries after review of all  
5 TRICARE regions.

6 “(B) DURATION OF EXTENSION.—

7 “(i) IN GENERAL.—Subject to clause  
8 (ii), the administering Secretaries may ex-  
9 tend the duration of the demonstration  
10 project under subsection (b)(4) by 1 or 2  
11 years.

12 “(ii) LIMITATION.—The administering  
13 Secretaries may not extend the duration of  
14 the project pursuant to clause (i) unless  
15 the administering Secretaries expand the  
16 project pursuant to subparagraph (A) to  
17 include at least 7 sites.

18 “(C) REVISION OF OPERATING AGREE-  
19 MENT.—Not later than 30 days after the date  
20 that the administering Secretaries determine to  
21 expand and extend the demonstration project  
22 pursuant to this subsection, the administering  
23 Secretaries shall—

1           “(i) revise the agreement entered into  
2           under subsection (b)(1) to reflect such ex-  
3           pansion (and extension, if applicable); and

4           “(ii) submit a copy of the revised  
5           agreement to the committees of Congress  
6           with jurisdiction over the demonstration  
7           project.

8           The revised agreement shall include a detailed  
9           description of the rationale behind the deter-  
10          mination by the administering Secretaries to ex-  
11          pand (and extend, if applicable) the demonstra-  
12          tion project pursuant to this subsection.

13          “(D) CAP ON AMOUNT OF REIMBURSE-  
14          MENTS.—

15               “(i) EXPANSION OF SITES.—If the ad-  
16               ministering Secretaries determine pursuant  
17               to subparagraph (A) to expand the number  
18               of demonstration project sites, the admin-  
19               istering Secretaries may revise the max-  
20               imum amount to be reimbursed under sub-  
21               section (i)(4)(C) for calendar year 2000.

22               “(ii) EXTENSION OF DURATION.—If  
23               the duration of the demonstration project  
24               is extended under this subsection to any  
25               calendar year beginning after 2000, the

1           aggregate amount to be reimbursed under  
2           subsection (i) for such year pursuant to  
3           the agreement entered into between the ad-  
4           ministering Secretaries under subsection  
5           (b) and revised pursuant to subparagraph  
6           (C) shall not exceed an amount determined  
7           appropriate by the administering Secre-  
8           taries.

9           “(E) EVALUATION AND REPORTS BY  
10          COMPTROLLER GENERAL.—If the admin-  
11          istering Secretaries extend the duration of the  
12          demonstration project under this subsection,  
13          the Comptroller General of the United States  
14          shall continue to perform all evaluations and  
15          submit all reports required under this section  
16          during the period that the demonstration  
17          project is operating by reason of such extension,  
18          except that the final report required to be sub-  
19          mitted pursuant to subsection (k)(1) shall be  
20          submitted by not later than 6 months after the  
21          date that the demonstration project ends.

22          “(F) TERMS AND CONDITIONS OF  
23          PROJECT.—All terms and conditions for oper-  
24          ating the demonstration project under this sec-  
25          tion shall apply to any expansion and extension

1 of the demonstration project pursuant to this  
 2 subsection.

3 “(m) INFORMATION REGARDING MEDICARE  
 4 +CHOICE AND MEDIGAP PROTECTIONS.—

5 “(1) IN GENERAL.—The administering Secre-  
 6 taries shall take all appropriate steps necessary in  
 7 order to provide medicare-eligible military retirees  
 8 and dependents participating in the demonstration  
 9 project with information regarding the applicable  
 10 statutory protections for such retirees and depend-  
 11 ents who no longer participate in the demonstration  
 12 project.

13 “(2) APPLICABLE STATUTORY PROTECTIONS.—  
 14 For purposes of paragraph (1), the term ‘applicable  
 15 statutory protections’ means protections regarding—

16 “(A) open enrollment periods for enroll-  
 17 ment in Medicare+Choice plans under section  
 18 1851(e) that are applicable to such retirees and  
 19 dependents; and

20 “(B) enrollment protections for medicare  
 21 supplemental policies under section 1882(s)  
 22 that are applicable to such retirees and depend-  
 23 ents.”.

24 (b) CHANGE IN DATE FOR SUBMISSION OF REPORT  
 25 ON EXTENSION AND EXPANSION OF DEMONSTRATION

1 PROJECT.—Section 1896(k)(2) of the Social Security Act  
2 (42 U.S.C. 1395ggg(k)(2)) is amended—

3 (1) in the matter preceding subparagraph (A),  
4 by striking “Not later than 6 months after the date  
5 of the submission of the final report by the Comp-  
6 troller General of the United States under para-  
7 graph (1)” and inserting “Not later than January 1,  
8 2001”;

9 (2) in subparagraph (A), by inserting “beyond  
10 any expansion carried out under this section pursu-  
11 ant to subsection (l)” after “could be expanded”;

12 (3) in subparagraph (B), by inserting “beyond  
13 any extension carried out under this section pursu-  
14 ant to subsection (l)” after “demonstration project”;  
15 and

16 (4) in subparagraph (C), by inserting “beyond  
17 any extension or expansion carried out under this  
18 section pursuant to subsection (l)” before the period  
19 at the end.

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